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PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT
(July 1, 1946, to December 31, 1946 (129-132))

129. False advertising and false labeling of onion seed: U. S. v. H. L. Jones, owner, Standard Seed Farms Co., Stockton, Cal. Plea of nolo contendere. Fine \$50. (F. S. 449.)

Standard Seed Farms Co., Stockton, Cal., on or about October 20, 1943, advertised onion seed to be the Yellow Globe Danvers variety and on or about October 21, 1943, delivered for transportation in interstate commerce from Stockton, Cal., to Denver, Col., 20 bags (2,005 pounds) of onion seed accompanied by an invoice which represented the seed to be the Yellow Globe Danvers variety of onion.

Information was filed in the District Court of the United States for the Northern District of California alleging that H. L. Jones, owner of Standard Seed Farms Co., Stockton, Cal., did falsely advertise and unlawfully deliver for transportation in interstate commerce said seed in violation of the Federal Seed Act.

The seed was represented to be the Yellow Globe Danvers variety of onion seed; whereas, trial plantings conducted by this Administration on samples representing the seed showed it was not the Yellow Globe Danvers variety of onion seed. The crops produced in fields planted with 1,000 pounds of this seed by onion growers for the purpose of producing onion sets were reported to be of little value.

On October 7, 1946, H. L. Jones, owner of Standard Seed Farms Co., Stockton, Cal., entered a plea of nolo contendere and the court imposed a fine of \$50.

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130. False and incomplete labeling of sweetclover and alfalfa seed. U. S. v. Newday Seeds, Inc., Fargo, N. D. Plea of nolo contendere. Fine \$300. (F. S. 458.)

Newday Seeds, Inc., Fargo, N. D., in February, March, and May 1945 delivered for transportation in interstate commerce from Fargo, N. D., to Mahanomen, Thief River Falls, and Little Falls, Minnesota, three separate shipments of seed.

Information was filed in the District Court of the United States for the District of North Dakota alleging that Newday Seeds, Inc., unlawfully delivered for transportation in interstate commerce said shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to 25 bags of sweetclover seed shipped to Mahanomen, Minn., bore, in part, the statements "W. B. Sw. Clo. PURITY 99.50% - GERM. 90%"; whereas, it was found to consist of 70.13 percent white sweetclover and 29 percent yellow sweetclover and to have a germination of 74 percent with 4 percent hard seeds remaining.
2. Labels attached to 3 bags of alfalfa seed shipped to Thief River Falls, Minn., bore, in part, the statements "WDS 1.25 - GERM. 85% INCLUDING 17% HARD SEEDS"; whereas, it was found to contain 2.46 percent weed seeds and to have a germination of 55 percent with 28 percent hard seeds remaining.
3. Labels attached to 3 bags of alfalfa seed shipped to Little Falls, Minn., bore, in part, the statements "PURE 97.2% - INERT .77% - GERM. 86 INCLUDING 17% HARD SEEDS"; whereas, it was found to consist of 94.63 percent pure seed, 3.31 percent inert matter, and to have a germination of 22 percent with 8 percent hard seeds remaining. In addition, the labels failed to show the presence of noxious-weed seeds; whereas, the seed was found to contain the noxious-weed seeds, dodder and French weed, at the rate of 45 and 9 per pound, respectively.

In the two alfalfa seed shipments the use of the term "GERM. ____% INCLUDING ____% HARD SEED" was found to be misleading.

On December 20, 1946, Newday Seeds, Inc., entered a plea of nolo contendere and the court imposed a fine of \$300.

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131. False and incomplete labeling of lespedeza seed. U. S. v. Springfield Seed Co., Springfield, Mo. Plea of guilty. Fine \$75 and costs. (F. S. 459.)

Springfield Seed Co., Springfield, Mo., in February and September 1945 transported or delivered for transportation in interstate commerce from Springfield, Mo., to Van Buren, Fort Smith, and Fayetteville, Ark., three separate shipments of seed.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that the Springfield Seed Co., unlawfully transported or delivered for transportation in interstate commerce said shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. Labels attached to 25 bags of lespedeza seed shipped to Van Buren, Ark., bore, in part, the statements "PURITY 98.00 - INERT 1.36 - WEED SEED .64 - NOXIOUS WEEDS PER LB. DODDER 45 DOCK 90"; whereas, a sample representing the seed when tested in the Federal Seed Laboratory at Kansas City, Mo., was found to contain 91.60 percent pure seed, 6.38 percent inert matter, 1.90 percent weed seeds, and to contain bracted plantain seeds and cheat seeds at the rate of 90 and 45 per pound, respectively.
2. Labels attached to 64 bags of lespedeza seed shipped to Fort Smith, Ark., bore, in part, the statements "NOXIOUS WEEDS PER LB DODDER 45 CHEAT 135 LB PLANTAIN 36"; whereas, a sample representing the seed tested in the Federal Seed Laboratory at Kansas City, Mo., was found to contain dodder seeds at the rate of 378 per pound, curly dock seeds at the rate of 63 per pound, and bracted plantain seeds at the rate of 63 per pound.
3. Labels attached to 21 bags of lespedeza seed shipped to Fort Smith, Ark., bore, in part, the statements "NOXIOUS WEEDS PER LB. DODDER 45": whereas, a sample representing the seed tested in the Federal Seed Laboratory at Kansas City, Mo., was found to contain dodder seeds at the rate of 306 per pound.
4. Labels attached to 3 bags of alfalfa seed shipped to Fayetteville, Ark., bore, in part, the statement "NOXIOUS WEEDS PER LB NONE"; whereas, a sample representing the seed when examined in the Federal Seed Laboratory at Kansas City, Mo., was found to contain Johnson grass seeds at the rate of 36 per pound. Seed containing from 2 to 100 Johnson grass seeds per pound must be labeled with the words "Excessive Johnson" when shipped into the State of Arkansas.

On September 12, 1946, the Springfield Seed Co., Springfield, Mo., entered a plea of guilty and the court imposed a fine of \$25 and costs for each of three counts or a total of \$75.

132. False labeling of corn seed. U. S. v. Bernard M. Weldon, operating as T. E. Weldon and Sons, Aurora, Ind. Plea of guilty. Fine \$150. (F. S. 462.)

T. E. Weldon and Sons, Aurora, Ind., in March and April 1945 transported or delivered for transportation in interstate commerce from Aurora, Ind., to Louisville, Ky., a total of 500 bushels of corn seed.

Information was filed in the District Court of the United States for the Southern District of Indiana alleging that Bernard M. Weldon, of T. E. Weldon and Sons, unlawfully transported or delivered for transportation in interstate commerce said seed in violation of the Federal Seed Act.

Labels attached to the bags at the time of shipment in interstate commerce bore, in part, the statement "Certified Seed" and "Hybrid Corn U. S. 13"; whereas, said seed was not certified seed and was not U. S. 13 hybrid corn seed.

On December 20, 1946, Bernard M. Weldon entered a plea of guilty and the court imposed a fine of \$150.

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